



13281 U.S. PTO

031204

17302 U.S. PTO
10/798266



031204

PATENT

ATTORNEY DOCKET NO.: BWT3003-0032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
Mail Stop PATENT APPLICATION
Alexandria, VA 22313

**TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventor: Julian R. ROGERS Jr.

For: PACKAGING DEVICE AND METHOD

1. This is a new ☒ Utility ☐ Design ☐ Plant patent application.
2. The papers enclosed to obtain a filing date are as follows:

51 Pages of Specification including

1 Title Page

14 Pages of Claims

1 Page of Abstract

6 Sheets of drawings containing 9 figures

☐ The enclosed drawings are photographs, and there is also attached a
PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)

3. Declaration

☒ Enclosed and is executed by all inventors

☐ Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the
time set for filing the Declaration and paying the filing fees.

4. Language

☒ English☐ Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

☒ An assignment of the invention and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

☐ An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

☐ Priority of the following foreign application is claimed:

Country	Application No.	Filed

Certified copies: ☐ are attached. ☐ will follow.

7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

☒ Priority of the following provisional application(s) is claimed:

Application No.	Filed
60/457,790	March 26, 2003

13281 U.S. PTO
031204

Small entity status

- ☒ [X] A statement claiming small entity status under 37 C.F.R. §1.27 is asserted for the present application.

9. Fee Calculation (37 C.F.R. §1.16)

	Number Filed	Number Extra	at Rate of	Basic Fee Utility \$770.00 Design \$340.00
Total Claims (37 C.F.R. §1.16(c))	43 - 20 =	23	18.00	\$ 414.00
Independent Claims (37 C.F.R. §1.16(b))	5 - 3 =	2	86.00	\$ 172.00
Multiple dependent claim(s), if any (37 C.F.R. §1.16(d))			290.00	
SUB-TOTAL =				\$1356.00
Reduction by 1/2 for filing by a small entity				\$ 678.00
TOTAL FILING FEE =				\$ 678.00

10. Fee Payment

- ☐ [] Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**
This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.
- ☒ [X] Please charge Deposit Account No. 50-2985 the total fee of **\$ 678.00** representing the §1.16(a) small entity filing fee of \$385, the §1.16(b) small entity additional claim fee of \$207, and the §1.16(c) small entity additional independent claim fee of \$86.


11. [X] **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Applicant's representative's Deposit Account No. 50-2985. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).
12. Additional Papers: a) An Information Disclosure Statement and PTO-1449;
b) An Assignment and Recordation Cover Sheet; and
c) A Power of Attorney and Certificate under 37 CFR §3.73(b).
13. **Correspondence:** Please send all correspondence related to this application to the address associated with the following customer number:

Customer No. 39083

Please accord this application an application number and filing date.

Respectfully submitted,

The Kenealy Law Office, LLC


David J. Kenealy, Reg. No. 40,411

Dated: March 12, 2004
Customer No. 39083
The Kenealy Law Office LLC
23 W. Myrtle St.
Alexandria, VA 22301
(703) 518-8485